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**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF)  
WATER TO VARIOUS WATER RIGHTS )  
HELD BY OR FOR THE BENEFIT OF )  
A&B IRRIGATION DISTRICT, )  
AMERICAN FALLS RESERVOIR )  
DISTRICT #2, BURLEY IRRIGATION )  
DISTRICT, MILNER IRRIGATION )  
DISTRICT, MINIDOKA IRRIGATION )  
DISTRICT, NORTH SIDE CANAL )  
COMPANY, AND TWIN FALLS )  
CANAL COMPANY )

AFFIDAVIT OF  
DAVID B. SHAW

STATE OF IDAHO )  
 ) ss.  
County of Ada )


DAVID B. SHAW, being first duly sworn on oath, deposes and hereby states as follows:

1. My name is David B. Shaw, and my work address is ERO Resources Corporation, 3314 Grace Street, Boise, ID 83703-5836. My telephone number is 208-373-7983.
2. My educational background includes Bachelor of Science and Master of Science degrees in Agricultural Engineering from the University of Idaho in 1966 and 1972, respectively. I am a registered professional engineer in the States of Idaho, Arizona and Oregon, and a registered professional land surveyor in the State of Idaho. I continue to attend seminars and short courses in the areas of water law, water rights and applicable technology. I have made numerous presentations at seminars covering water law and water right issues, most often regarding some aspect of water right adjudication.
3. My work experience includes five years of teaching at the University of Idaho in the College of Engineering from 1968 to 1973. I was with the Idaho Department of Water Resources (department) and its predecessor agencies from November 1973 until July 1996. With the department, I served in a number of technical and administrative positions including Regional Supervisor for the department's western region from 1978 to 1985 and Adjudication Bureau Chief from 1985 to 1996. As Adjudication Bureau Chief I was responsible for all the department's obligations in the Snake River Basin Adjudication of water rights (SRBA). The SRBA is an adjudication of all water rights in the Snake River basin in Idaho and includes about 160,000 claims to water rights. The department's obligations included serving notice of the SRBA to all potential water users, assisting claimants file their claims to water rights, investigating each state law based claim and making a recommendation as to each state law based claim to the SRBA Court. If a recommendation was protested (contested) the department was obligated to put on the evidence to justify its recommendation. My experience with the department includes successfully managing the SRBA for 11 years and resolving a variety of water right, water supply and water delivery situations.

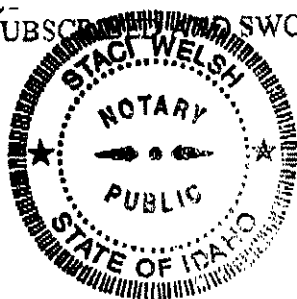
4. Since July 1996 I have been employed by ERO Resources Corporation (ERO) providing consulting services to clients in the areas of water rights, water right adjudication, and water distribution and management. In January 2003 I became a Principal of ERO, one of 9 employee owners of the firm. ERO is a natural resources consulting firm based in Denver, Colorado with satellite offices in Boise, Idaho and Durango, Colorado. ERO has a long history of, among other services, providing expertise to clients in water right adjudications around the West. We currently have water right adjudication clients in Arizona, Idaho and Oregon.
5. ERO has been retained to assist the Surface Water Coalition (SWC) prepare for the contested case hearing scheduled to begin on January 30, 2005 before the Director of the Idaho Department of Water Resources. As part of our research to prepare for this case we have found it necessary to access certain documents in the Idaho State Historical Society Library.
6. The Idaho State Historical Society (ISHS) Library and Archives will be closed beginning October 9, 2005 until November 30, 2005 as the staff moves the collections to a new facility. During that time, access to the archives will be closed to the public, rendering the completion of research in that facility impossible.
7. The ISHS Library and Archives houses Idaho Department of Reclamation's historical records. AR 20, as it is known, contains the historical records of Carey Act projects in Idaho, including the projects containing some of the lands within the SWC service areas. Within this collection are thousands of maps and documents that are necessary to reconstruct the technical history of irrigation in the region.
8. The ISHS Library and Archives houses the Idaho State Board of Land Commissioners' records, collection AR 82. This agency administered the Carey Act in the State of Idaho until 1919. The records in this collection are also vital to a reconstruction of the various projects' histories.

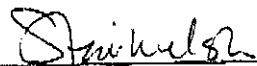
9. The Scheduling Order sets the time from November 5 though November 18 to prepare rebuttal reports. The ISHS will not be available at all for research during the time period should research there be necessary to prepare rebuttal reports. Further your affiant sayeth naught.

DATED this 5 day of October, 2005.

  
\_\_\_\_\_  
David B. Shaw

SUBSCRIBED AND SWORN to before me on this 5<sup>th</sup> day of October, 2005.



  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at Meridian, Idaho  
My commission expires: 2/3/2011

# CERTIFICATE OF SERVICE

I hereby certify that on the 6 day of October, 2005, I served a true and correct copy of the foregoing document(s) on the person(s) listed below, in the manner indicated:

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C. Tom Arkoosh